

REMARKS

This Amendment is in response to the Office Action mailed on June 24, 2009. Reconsideration of this application is respectfully requested.

Summary of Claim Amendments

Claims 1 and 33 are the sole remaining independent claims in this application. Applicants have cancelled the withdrawn claims to file them in one or more continuing applications. Applicants have cancelled various other claims without prejudice or disclaimer to presenting them in later-filed applications. Independent claim 1 has been amended to include the subject matter of now cancelled dependent claims 2 and 14-16.

Prior Art Rejection

The Office Action rejected Claims 1-7 and 10-30 under 35 U.S.C. § 103(a) as being unpatentable over Reilly et al. (US 6,767,319) in view of Winkler (US 6,238,374) or Cornacchia et al. (US 5,472,403), in further view of Polaschegg (US 4,966,579), in further view of Wojcicki et al. (US 5,190,522), and finally, in further view of Sassano (US 4,747,826). This rejection is respectfully traversed.

As set forth above, independent claim 1 has been amended to include the limitations of claims 2 and 14-16 (now cancelled). The Office Action does not specifically address the limitations of claims 2 and 14-16 in the rejection (and for that reason alone does not provide a *prima facie* case of obviousness), and Applicants suggest that none of the cited references disclose or suggest a hazardous material containment comprising a “container comprising a removable lid . . .” and “a sealing barrier through which a fluid path element can pass to be placed in fluid connection with the hazardous pharmaceutical container. . . .”

With respect to independent claim 33, Applicants suggest that the Wojcicki patent (or any of the other cited references) does not disclose or suggest a measurement apparatus that detects a physiological signal of a patient related to a heart phase or a controller that controls fluid delivery based on the heart phase signal to synchronize fluid delivery relative to the heart phase to prevent reflux of the pharmaceutical from the local circulation into a system circulation of the

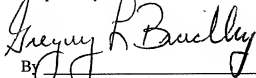
patient.

For at least the above reason, Applicants submit that a proper combination of the cited references does not suggest or render obvious amended claim 1 and its remaining dependent claims, and claim 33, and that the rejection should be withdrawn.

Based on the foregoing, Applicants submit that the claims are in condition for allowance. Notice to that effect is earnestly solicited.

Dated: September 22, 2009

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gregory L. Bradley", is written over a horizontal line.

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